

Docket No. 0147-0224P

REMARKS

Claims 41-42 have been added to the application in response to a telephonic restriction requirement. As discussed by telephone with the Examiner, the Applicants provisionally elected, with traverse, the claims of Group XI, namely claims 2, 3, 8, and 22 as they read on SEQ ID NO: 11. In order to present claims directed to the elected species, claim 41 has been added directed to the chimeric promoter comprising at least one *cis*-acting element comprising the nucleotide sequence of SEQ ID NO: 11. New claims 42-46 are directed to combinations of SEQ ID NO. 11: with SEQ ID NO: 7, and therefore also read on the elected sequence. Support for these combinations can be found at, for example, pages 36-37 of the specification, wherein the seventh listed combination at the top of page 37 is particularly the 2xS/2xD combination recited in new claim 43.

Favorable action and early allowance of all the claims are requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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By 

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0147-0224P

Attachment(s)

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